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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|------------------------|------------------------|
| 10/672,040 | 09/26/2003 | Joseph Hubertus Olijve | OLIJVEDIV |

CONFIRMATION NO. 7204

FORMALITIES LETTER



OC000000014198571

00545
ANTHONY H. HANDAL
KIRKPATRICK & LOCKHART, LLP
599 LEXINGTON AVENUE
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NEW YORK, NY 10022-6030



Date Mailed: 10/26/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/08/2005 ZJUHR1 00000001 080570 10672040 FILED UNDER 37 CFR 1.53(b)
02 FC:1051 130.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes

ENTERED IN CPI

no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **To Download Patentin Software, visit <http://www.uspto.gov/web/patents/software.htm>**
- **For Patentin Software Program Help, call (571) 272-2510 or email mark.spencer@uspto.gov**

The following item(s) appear to have been omitted from the application:

- **Page(s) 31-40 of the specification (description and claims).**

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130 Late oath or declaration Surcharge.**

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Y.G.
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Continuation in re application of

Applicant: OLIJVE et al

Attorney Docket No.: OLIJVEDIV

Application No.: 10/672,040

(Div. of 09/602,459 filed June 23, 2000)

Filed: September 26, 2003

GAU: Unknown

Examiner: Unknown

For: "PREPARATION OF OIL-IN-WATER
EMULSIONS STABILISED WITH
RECOMBINANT COLLAGEN-LIKE MATERIAL
AND RELATED PRODUCTS"

February 28, 2005

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS (etc.)

SIR:

This paper is responsive to the Notice To File Missing Parts in a Nonprovisional Application dated October 26, 2004.

Declaration. A copy of the declaration accepted on the parent application is filed herewith to meet the requirement for filing same. However it appears the Office may have overlooked that a copy of the parent declaration was already filed with the present application, on September 26, 2003 as may be seen from the copy of applicant's acknowledgement postcard filed herewith and from the PAIR record of this application.

Abstract. An abstract is filed on a separate sheet herewith.

Sequence Listing. A paper copy of the sequence listing required by 37 CFR 1.821(c) is filed herewith. In accordance with 37 CFR 1.821(e), please use the last-filed computer readable form of the sequence listing (mailed October 18, 2001) filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. The paper copy is filed herewith is identical to the aforesaid computer readable copy filed for the parent application.

Specification pages 31-40. The specification has no pages numbered 31-40. It is believed clear that the content of pages 30-31 is such that these are plainly intended as the last pages of the specification. Claims page numbered 41 evidently should have been numbered 31. In light of the cancellation of claims 1-22 in the preliminary amendment filed with this application, any renumbering of the claims pages appears moot. In view of the minor nature of this clerical matter and the fact that there is clearly no impact on the disclosure in the application it is believed that neither petition nor petition fee is required. Furthermore, applicant notes that, this being a divisional application, the entire parent disclosure was incorporated by reference on the utility patent application transmittal letter obviating any disclosure questions.

In view of the above remarks and accompanying submissions, this application is believed to be complete and in condition for examination. Early and favorable examination on the merits is respectfully requested. If for any reason the Examiner feels that consultation with Applicant's representative would be helpful in the advancement of the prosecution, they are invited to call the telephone number below for an interview.

Respectfully submitted,

By:


Anthony H. Handal

Reg. No. 26,275 Ph: (212) 536-4870

Roger Pitt

Reg. No. 46,996 Ph: (212) 536-4867

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599 Lexington Avenue (33rd Floor)

New York, NY 10022-6030

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 28, 2005.

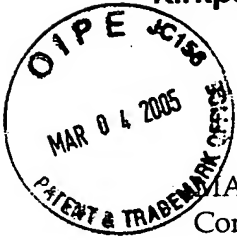

Anthony H. Handal Reg. No. 26,275

Roger Pitt Reg. No. 46,996



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February 28, 2005

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Joseph Hubertus OLIJVE et al.
U.S. Patent Application No. 10/672,040 Filed: September 26, 2003
(Divisional of USAN 09/602,459 Filed: June 23, 2000)
Attorney Docket No. OLIJVEDIV Confirmation No. 7204
"OIL-IN-WATER EMULSIONS STABILIZED WITH RECOMBINANT
COLLAGEN-LIKE MATERIALS"

SIR:

We enclose herewith:

- ☒ Petition for Extension of Time;
- ☒ Copy of Notice of Missing Parts;
- ☒ Response to Notice to File Missing Parts;
- ☒ Declaration (Copy from parent application No. 09/602,459 and filed on September 26, 2003);
- ☒ Abstract (1 sheet);
- ☒ Paper copy of Sequence Listing;
- ☒ Acknowledgment Postcard.

The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 080570.

The applicants hereby petition under 37 CFR 1.136 or other applicable rule to have the response period extended the number of months necessary to render the attached communication timely if a petition is required.

(Respectfully submitted,

Anthony H. Handal

Reg. No. 26,275 Phone: (212) 536-4870

Roger Pitt

Reg. No. 46,996 Phone (212) 536-4867

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 28, 2005.

Anthony H. Handal Reg. No. 26,275

Roger Pitt Reg. No. 46,996